

REMARKS

Application Serial No. 09/902,266 was effectively abandoned on November 2, 2004, when Applicants filed their Request for Filing Continuation/Divisional Application under 37 C.F.R. § 1.53(b) (Application Serial No. 10/978,386). For the Examiner's convenience, a copy of the Request and the date-stamped postcard, indicating that the Patent Office received the Request and a copy of the original specification (including Claims 1-17), are attached. Applicants, of course, also filed an Extension of Time on November 2 in order to ensure that the '266 application was co-pending.

Along with the Request, Applicants filed a Preliminary Amendment. Subsequently, on November 4, 2004, Applicants filed a Second Preliminary Amendment to correct a minor typographical error.

From the Office Communication, it appears that the Request for Filing a Continuation under § 1.53(b) was not properly processed, and that the Preliminary Amendments were entered in Application Serial No. 09/902,266 instead of the 1.53(b) Continuation Application (Application Serial No. 10/978,386). As a result, it appears that the Preliminary Amendments were mistakenly treated as non-responsive submissions accompanying a Request for Continued Examination (RCE). Clearly, no RCE was ever filed, and the Preliminary Amendments were intended to apply to Applicants' Continuation Application.

To avoid further confusion, Applicants re-filed the November 4 Preliminary Amendment under Serial No. 10/978,386 on February 9, 2005. A copy of the re-filed Preliminary Amendment is also attached for the Examiner's convenience.

Because the '266 application was abandoned when Applicants filed their 1.53(b) Continuation Application along with a copy of the original specification (including original claims 1-17), Applicants believe that the new claims presented in the Preliminary Amendment to the Continuation Application are properly numbered beginning with Claim 18. As original Claims 1-17 were canceled in the Request and indicated as "cancelled" in the Preliminary Amendment, Applicants believe that it is appropriate to begin numbering the new claims with Claim 18. If the Examiner disagrees, and can direct Applicants to a section of the M.P.E.P. that indicates that the claims should be numbered in an alternate manner, Applicants would be happy to consider re-numbering the claims.

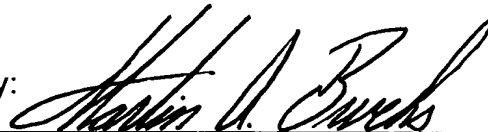
Applicants respectfully request abandonment of Application Serial No. 09/902,266; acknowledgement of Applicants' Request for Filing a Continuation/Divisional Application under § 1.53(b); and entry and consideration of the Preliminary Amendment in connection with Continuation Application Serial No. 10/978,386. Should the Examiner have any questions concerning this application or Continuation Application Serial No. 10/978,386, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 9, 2005

By:



Martin A. Bruehs

Registration No. 45,635

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Attachments: (1) Request for Filing Continuation/Divisional Application under 37 C.F.R. § 1.53(b), dated November 2, 2004;
(2) Date-Stamped Postcard (indicating PTO's receipt of the Request and original specification (including Claims 1-17) on November 2, 2004); and
(3) Re-filed Preliminary Amendment to the 1.53(b) Continuation Application dated February 9, 2005.



New Patent Application Postcard

Inventor: Olivier De Lacharriere et al. **Appln. No.:** _____
Docket No.: 016800-454 **Working Atty.:** MAB:ltm **Date:** November 2, 2004
Title: VITAMIN/METAL SALT COMPOSITIONS FOR REDUCING HAIR LOSS AND/OF PROMOTING HAIR REGROWTH

Att. Clerk Initials



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|---|---|---|
| <input type="checkbox"/> Utility Patent Application Transmittal | <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney | <input checked="" type="checkbox"/> Check for \$ <u>110.60</u> is enclosed |
| <input type="checkbox"/> Design Patent Application Transmittal | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input type="checkbox"/> Check for \$ _____ is enclosed |
| <input type="checkbox"/> Continuing Prosecution Application Request | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Charge \$ _____ to Deposit Account |
| <input checked="" type="checkbox"/> Continuing/Divisional Application (Rule 1.53(b)) with copy of application | <input type="checkbox"/> Submission of Certified Copy of Priority Document w/ _____ certified copy(ies) | <input type="checkbox"/> Charge \$ _____ to credit card. Form PTO-2038 is attached. |
| <input type="checkbox"/> Plant Patent Application | <input checked="" type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input type="checkbox"/> Information Disclosure Statement Transmittal | <input type="checkbox"/> |
| <input type="checkbox"/> Provisional Application Transmittal | <input type="checkbox"/> Information Disclosure Citation (PTO-1449) | <input type="checkbox"/> |
| <input type="checkbox"/> Request for Continued Examination | <input type="checkbox"/> Information Disclosure Statement w/ _____ document(s) | <input type="checkbox"/> |
| INCLUDING: | <input checked="" type="checkbox"/> Petition for _____ Month Extension of Time | <input type="checkbox"/> |
| <input type="checkbox"/> Specification (pages 1 - _____) | <input type="checkbox"/> Gen. Authorization for Petition for Ext. of Time and Pymt. of Fees | <input type="checkbox"/> |
| <input type="checkbox"/> Claims (claims(s) 1 - _____ , _____ pgs.) | <input type="checkbox"/> Patent Application Data Sheet | |
| <input type="checkbox"/> Drawings (Fig(s). 1 - _____ , _____ pgs.) | | |
| <input type="checkbox"/> Abstract of the Disclosure | | |



If submitting documents via Express Mail, provide the Express Mailing Label No. below.

Express Mail Mailing Label No.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer Number 21839

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of the following pending application, by the following named inventor(s):

Application No. 09/902,266

Filed: JULY 11, 2001

Title:

VITAMIN/METAL SALT COMPOSITIONS FOR REDUCING HAIR LOSS AND/OF PROMOTING
HAIR REGROWTH

Inventor(s):

OLIVIER DE LACHARRIERE and FRANCIS PRUCHE

- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- ☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

DOCKETED
filed 11-2-04 JD

10. ☒ Cancel in this application original claims 1-17
of the prior application before calculating the filing fee.

11. ☐ New drawings are enclosed.

12. ☒ Applicant(s) claims priority under 35 U.S.C. § 119 of the following application(s):

Country	Application No.	Filing Date MM-DD-YYYY
FRANCE	00/09063	07-11-2000

☒ The certified copy of the priority application

☐ is enclosed.

☒ was filed on JULY 11, 2001 in prior Application No. 09/902,266,
filed on JULY 11, 2001, and acknowledged by the Examiner on
JULY 24, 2004 in Paper No. 4.

☐ has not yet been filed.

13. ☒ A preliminary amendment is enclosed.

14. ☐ An Information Disclosure Statement is enclosed.

15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.

16. ☐ Also enclosed is _____

17. ☒ The power of attorney in the prior application is to Norman H. Stepno, Registration No. 22,716 and
all partners of Burns, Doane, Swecker & Mathis, L.L.P.

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the
prior application is enclosed.

c. ☐ Recognize as Associate Attorney _____

☐ Applicant(s) suggests Figure ____ for inclusion on the front page of the patent application publication and patent.

☒ Applicant(s) requests that the published application include the following assignment information:

L'ORÉAL

14, RUE ROYALE

75008 PARIS, FRANCE

1. ☐ Enclosed is a copy of the prior Application No. _____ as originally filed on _____, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment.

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fee
Basic Application Fee (1001)					\$ 790.00
Total Claims	28	MINUS 20 =	8	x \$18.00 (1202) =	\$ 144.00
Independent Claims	3	MINUS 3 =	0	x \$88.00 (1201) =	\$ 0.00
If multiple dependent claims are presented, add \$300.00 (1203)					\$ 0.00
Total Application Fee					\$ 934.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Application Fee					\$ 0.00
Add Assignment Recording Fee of \$40.00 (8021) if Assignment document is enclosed.					\$ 0.00
TOTAL APPLICATION FEE DUE					\$ 934.00

5. ☒ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
7. ☐ A check in the amount of _____ is enclosed for the fee due.
8. ☐ Charge _____ to credit card. Form PTO-2038 is attached.
9. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

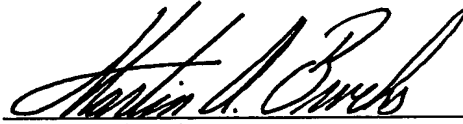
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Burns, Doane, Swecker & Mathis, L.L.P.
Customer Number 2 1 8 3 9
P.O. Box 1404
Alexandria, Virginia 22313-1404

November 2, 2004

Date

By:



Martin A. Bruehs

Registration No. 45,635

Address of signator:

Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)



Patent
Attorney's Docket No. 016800-454

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Olivier de Lacharriere et al.)

Application No.: 09/902,266)

Filed: November 2, 2004)

For: VITAMIN/METAL SALT)
COMPOSITIONS FOR REDUCING)
HAIR LOSS AND/OF PROMOTING)
HAIR REGROWTH)

Group Art Unit:

Examiner: M.C. Flood

Confirmation No.: 8334

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination, please amend the above-captioned application as follows:

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-17 are canceled.

18. (New) A vitamin/metal salt cosmetic/pharmaceutical composition useful to promote regrowth of the hair and/or to retard hair loss, and/or to increase the mean diameter of strands of hair, and/or to decrease the heterogeneity thereof, and/or to increase hair density, and/or to improve the quality and/or the appearance of a head of hair, and/or to induce repigmentation of the hair, consisting essentially of a thus effective amount of admixture of the antioxidants vitamin A, vitamin C, vitamin E and also zinc and selenium values, formulated into a cosmetically/pharmaceutically acceptable vehicle, diluent or carrier therefor.

19. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising vitamin B.

20. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising iron values.

21. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising magnesium values.

22. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising copper values.

23. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising manganese values.

24. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture comprising retinol or ester thereof, or beta-carotene, alpha- or gamma-tocopherol, and ascorbic acid or salt thereof.

25. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture comprising zinc gluconate, zinc oxide, zinc sulfate or zinc chloride.

26. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 20, said admixture comprising ferrous fumarate, ferrous sulfate or ferrous chloride.

27. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 21, said admixture comprising magnesium oxide.

28. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 22, said admixture comprising copper oxide or copper gluconate.

29. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 23, said admixture comprising manganese chloride or manganese sulfate.

30. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 25, said admixture comprising sodium selenite, selenocysteine or selenoyeast.

31. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising at least one other antioxidant active agent selected from the group consisting of a superoxide dismutase, a catalase, a peroxidase and an antioxidant exhibiting enzymatic activity mimicking said enzymes.

32. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 31, said at least one other antioxidant comprising glutathione peroxidase.

33. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 31, said at least one other antioxidant comprising copper diisopropylsalicylate or Mn(III)tetrakis(4-benzoic acid) porphyrin chloride.

34. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising at least one sulfur-containing amino acid or precursor thereof.

35. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 34, said at least one sulfur-containing amino acid comprising cysteine, cystine, N-acetylcysteine, glutathione and/or ester thereof, or oxathiazolidine.

36. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising from 0.1 mg to ⁵~~3~~ mg of vitamin A, and from 10 mg to 25 mg of vitamin E.

37. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising from 0.1 mg to 3 mg of vitamin A, from 50 mg to 240 mg of vitamin C, from 10 mg to 60 mg of vitamin E, from 10 mg to 40 mg of zinc values and from 40 µg to 150 µg of selenium values.

38. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising from 0.5 mg to 1.5 mg of vitamin A, from 100 mg to 140 mg of vitamin C, from 40 mg to 50 mg of vitamin E, from 15 mg to 25 mg of zinc values and from 70 µg to 120 µg of selenium values.

39. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 24, comprising from 0.6 mg to 18 mg of beta-carotene.

40. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 24, comprising from 3 mg to 4.5 mg of beta-carotene.

41. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising 1 mg of vitamin A or 6 mg of beta-carotene, 120 mg of vitamin C, 30 mg of vitamin E, 20 mg of zinc values and 100 µg of selenium values.

42. (New) A vitamin/metal salt cosmetic/pharmaceutical composition useful to promote regrowth of the hair and/or to retard hair loss, and/or to increase the mean diameter of strands of hair, and/or to decrease the heterogeneity thereof, and/or to increase hair density, and/or to improve the quality and/or the appearance of a head of hair, and/or to induce repigmentation of the hair, consisting of a thus effective amount of admixture of the antioxidants vitamin A, vitamin C, vitamin E and also zinc and selenium values, formulated into a cosmetically/pharmaceutically acceptable vehicle, diluent or carrier therefor.

43. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, formulated into a drinkable solution, a syrup, tablets or capsules.

44. (New) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 43, formulated into gelatin capsules.

45. (New) A vitamin/metal salt cosmetic/pharmaceutical composition useful to promote regrowth of the hair and/or to retard hair loss, and/or to increase the mean diameter of strands of hair, and/or to decrease the heterogeneity thereof, and/or to increase hair density, and/or to improve the quality and/or the appearance of a head of hair, and/or to induce repigmentation of the hair, consisting of a thus effective amount of admixture of the antioxidants vitamin A, vitamin C, vitamin E and also zinc sulfate and sodium selenite, formulated into a cosmetically/pharmaceutically acceptable vehicle, diluent or carrier therefor.

REMARKS

Entry of the foregoing prior to examination on the merits is respectfully requested.

It is clear from the foregoing that no new matter has been introduced as a result of any of the amendments made.

Entry of this amendment and an early Action on the merits are respectfully solicited.

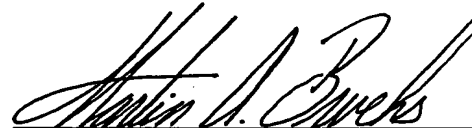
Should the Examiner have any questions concerning the subject application, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 2, 2004

By:



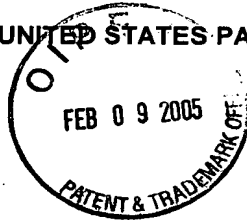
Martin A. Bruehs

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P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Olivier De Lacharriere et al.
Application No.: 09/902,266
Filing Date: July 11, 2001



Group Art Unit: 1654
Examiner: MICHELE C. FLOOD
Confirmation No.: 8334

Title: VITAMIN/METAL SALT COMPOSITIONS FOR REDUCING HAIR LOSS AND/OF PROMOTING HAIR REGROWTH

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following extension of time is requested to: respond to the Official Action dated July 2, 2004

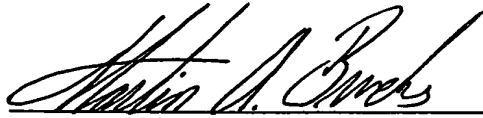
- one month to November 2, 2004 ☐ \$55.00 (2251) ☒ \$110.00 (1251)
- ☐ The shortened statutory period has been reset by an Advisory Action dated _____.
- ☒ An extension fee in the amount of \$ 110.00 is enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

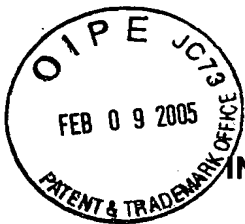
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By 
Martin A. Bruehs
Registration No. 45,635

Date: November 2, 2004



182

Patent
Attorney's Docket No. 016800-454.001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)

Olivier de Lacharriere et al.)

Application No.: 10/978,386)

Filed: November 2, 2004)

For: VITAMIN/METAL SALT)
COMPOSITIONS FOR REDUCING)
HAIR LOSS AND/OF PROMOTING)
HAIR REGROWTH)

Group Art Unit:

Examiner: M.C. Flood

Confirmation No.: 8334

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination, please amend the above-captioned Continuation

Application as follows:

AMENDMENTS TO THE CLAIMS:

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LISTING OF CLAIMS:

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25. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture comprising zinc gluconate, zinc oxide, zinc sulfate or zinc chloride.

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31. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, said admixture also comprising at least one other antioxidant active agent selected from the group consisting of a superoxide dismutase, a catalase, a peroxidase and an antioxidant exhibiting enzymatic activity mimicking said enzymes.

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35. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 34, said at least one sulfur-containing amino acid comprising cysteine, cystine, N-acetylcysteine, glutathione and/or ester thereof, or oxathiazolidine.

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37. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising from 0.1

mg to 3 mg of vitamin A, from 50 mg to 240 mg of vitamin C, from 10 mg to 60 mg of vitamin E, from 10 mg to 40 mg of zinc values and from 40 µg to 150 µg of selenium values.

38. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising from 0.5 mg to 1.5 mg of vitamin A, from 100 mg to 140 mg of vitamin C, from 40 mg to 50 mg of vitamin E, from 15 mg to 25 mg of zinc values and from 70 µg to 120 µg of selenium values.

39. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 24, comprising from 0.6 mg to 18 mg of beta-carotene.

40. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 24, comprising from 3 mg to 4.5 mg of beta-carotene.

41. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, comprising 1 mg of vitamin A or 6 mg of beta-carotene, 120 mg of vitamin C, 30 mg of vitamin E, 20 mg of zinc values and 100 µg of selenium values.

42. (Previously Presented) A vitamin/metal salt cosmetic/pharmaceutical composition useful to promote regrowth of the hair and/or to retard hair loss, and/or to increase the mean diameter of strands of hair, and/or to decrease the heterogeneity thereof, and/or to increase hair density, and/or to improve the quality and/or the appearance of a head of hair, and/or to induce repigmentation of the hair, consisting of a thus effective amount of admixture of the antioxidants vitamin A, vitamin C, vitamin E and also zinc and selenium values, formulated into a cosmetically/pharmaceutically acceptable vehicle, diluent or carrier therefor.

43. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 18, formulated into a drinkable solution, a syrup, tablets or capsules.

44. (Previously Presented) The vitamin/metal salt cosmetic/pharmaceutical composition as defined by Claim 43, formulated into gelatin capsules.

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vitamin C, vitamin E and also zinc sulfate and sodium selenite, formulated into a cosmetically/pharmaceutically acceptable vehicle, diluent or carrier therefor.

REMARKS

Entry of the foregoing prior to examination on the merits is respectfully requested.

It is clear from the foregoing that no new matter has been introduced as a result of any of the amendments made.

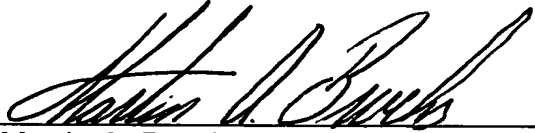
Entry of this Amendment and an early Action on the merits are respectfully solicited.

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Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 9, 2005

By: 
Martin A. Bruehs
Registration No. 45,635

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